

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:

## All Suits Against the Saint Thomas Entities

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

**SAINT THOMAS ENTITIES' MOTION TO COMPEL THE NECC POST-  
CONFIRMATION OFFICER TO PRODUCE CERTAIN MATERIALS**

The Saint Thomas Entities<sup>1</sup> hereby file this motion to compel the Chapter 11 Post-Confirmation Officer for the bankruptcy estate of New England Compounding Pharmacy (the “NECC Trustee”) to produce certain training and marketing materials.

During an October 14, 2015 hearing, counsel for Medical Sales Management (“MSM”) suggested that the NECC Trustee was in possession of MSM’s training and marketing materials, which the Saint Thomas Entities have sought for months. From an index of documents in the NECC Trustee’s possession, it appears the Trustee in fact has at least some of the training materials. The index does not list any of the key training videos or audio recordings.

Because the NECC training materials the Trustee possesses are clearly and highly relevant and were never uploaded to the repository, the Saint Thomas Entities ask the Court compel the NECC Trustee to immediately upload them for use in the proceedings.

WHEREFORE, the Saint Thomas Entities respectfully request that the Court enter an order compelling the NECC Trustee to produce the materials listed above.

<sup>1</sup> Saint Thomas West Hospital f/k/a St. Thomas Hospital; Saint Thomas Health; and Saint Thomas Network.

Dated: October 29, 2015

SAINT THOMAS WEST HOSPITAL F/K/A ST.  
THOMAS HOSPITAL, SAINT THOMAS  
HEALTH, AND SAINT THOMAS NETWORK

By their attorneys,

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**REQUEST FOR ORAL ARGUMENT**

The Saint Thomas Entities hereby request oral argument on the issues raised in this motion.

**LOCAL RULES 7.1 and 37.1 CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for the Saint Thomas Entities met and conferred with counsel for NECC's Trustee in a good-faith effort to resolve this discovery dispute. Adam Schramek conferred by letter with Michael Gottfried in an attempt to resolve the discovery dispute without the need for court intervention. Nevertheless, certain areas of dispute remain unresolved. The Saint Thomas Entities will inform the Court of any additional areas of agreement reached prior to the hearing.

/s/ Sarah P. Kelly

Sarah P. Kelly

**CERTIFICATE OF SERVICE**

I certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing this 29<sup>th</sup> day of October, 2015.

/s/ Sarah P. Kelly

Sarah P. Kelly

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